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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,743	03/09/2004	Yasuyuki Kii	61003 (70820)	3397

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EDWARDS & ANGELL, LLP  
P.O. BOX 55874  
BOSTON, MA 02205

EXAMINER
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REPKO, JASON MICHAEL

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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02/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/797,743

Applicant(s)

KII, YASUYUKI

Examiner

Jason M. Repko

Art Unit

2628

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See *Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-11.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
ULKA CHAUHAN  
SUPERVISORY PATENT EXAMINER

## Continuation of 3. NOTE:

The amendment submitted by Applicant raises new issues that would require further consideration or search. Applicant has added language to the claims further restricting the definition of visual point coordinates.

With respect to Applicant's remarks directed to U.S. Patent No. 5,517,603 (Kelley et al), Applicant alleges that the Office Action dated 19 October 2006 interprets "the Z set-up tokens of Kelley correspond to the claimed shadow polygons." No such claim was made. To clarify, the "shadow polygons" in the Kelley et al reference reads on the "shadow polygons" in the Applicant's claim. The shadow polygons disclosed by Kelley et al are associated with Z set-up tokens (lines 61-64 of column 21). It should also be noted that Kelley et al shows that Z set-up tokens are generated for endpoints of the span during stage 1 processing (lines 45-47 of column 14), and X and Y-coordinates are associated with the end-points of the span (line 34-37 of column 14: "As the scanline being processed represents a Y-coordinate, the X-coordinate is identified by determining the intersection point of a scanline and a corresponding active edge.") Applicant states, "only the graphic data of active objects is converted to coordinates, described in Kelley as 'vertical interpolation.'" It should be noted that Kelley et al never discloses that the set of shadow polygons are excluded from the "vertical interpolation" processing. Furthermore, Kelley et al never discloses that "shadow polygons" are excluded from the "active objects list." Kelley et al discloses Z-tokens are generated for shadow polygons (lines 61-64 of column 21) and set-up tokens are generated for active objects during "vertical interpolation" (lines 8-10 of column 14).

With respect to Applicant's remarks directed to U.S. Patent No. 6,897,865 (Higashiyama), Applicant alleges that the "pixel positions" as disclosed by Higashiyama are not equivalent to "visual-point coordinates," and states visual point coordinates include x and y-coordinates. It should be noted that x and y-coordinate pairs and pixel positions are used synonymously in the descriptive portion of the specification of the instant application. For instance, paragraph 89, on page 39 recites: "It is to be noted that though not described in detail in the flowchart shown in FIG. 5, the processings of the steps S21 to S24 are repeatedly performed on all the pixels (all x, y) in the back-facing shadow polygons that are subject to the processings."